

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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KP  
3-9-02

In Re Continuation Application:

Timothy W. CONNER, *et al.*

Art Unit: To Be Assigned

Appln. No.: To Be Assigned

Examiner: To Be Assigned

Filed: Herewith

Atty. Docket: 16517.254

For: Nucleic Acid Molecules and Other  
Molecules Associated with  
Transcription in Plants

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
Washington, DC 20231

Sir:

Prior to examination on the merits, Applicants hereby request entry of the following amendments in the above-captioned application:

**AMENDMENT**

**In the Specification:**

Please amend the specification as follows:

In the specification, please replace the paragraph, beginning at page 1, line 3, and ending at page 2, line 20 with the following paragraph:

**CROSS-REFERENCE TO RELATED APPLICATIONS**

This application is a continuation of U.S. Patent Application Serial No. 09/229,413 filed January 12, 1999, herein incorporated by reference. This application claims priority under 35 U.S.C. § 119(e) and/or 35 U.S.C. § 120 of applications No. 60/067,000 filed November 24, 1997; No. 60/069,472 filed December 9, 1997; No. 60/071,479 filed January 13, 1998; No. 60/074,201 filed February 10, 1998; No. 60/074,282 filed February 10, 1998; No. 60/074,280 filed February 10, 1998; No. 60/074,281 filed February 10, 1998; No. 60/074,566 filed February

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12, 1998; No. 60/074,567 filed February 12, 1998; No. 60/074,565 filed February 12, 1998; No. 60/075,462 filed February 19, 1998; No. 60/074,789 filed February 19, 1998; No. 60/075,459 filed February 19, 1998; No. 60/075,461 filed February 19, 1998; No. 60/075,464 filed February 19, 1998; No. 60/075,460 filed February 19, 1998; No. 60/075,463 filed February 19, 1998; No. 60/077,231 filed March 9, 1998; No. 60/077,229 filed March 9, 1998; No. 60/077,230 filed March 9, 1998; No. 60/078,368 filed March 18, 1998; No. 60/080,844 filed April 7, 1998; No. 60/083,067 filed April 27, 1998; No. 60/083,386 filed April 29, 1998; No. 60/083,387 filed April 29, 1998; No. 60/083,388 filed April 29, 1998; No. 60/083,389 filed April 29, 1998; No. 60/085,224 filed May 13, 1998; No. 60/085,223 filed May 13, 1998; No. 60/085,222 filed May 13, 1998; No. 60/085,533 filed May 15, 1998; No. 60/086,186 filed May 21, 1998; No. 60/086,187 filed May 21, 1998; No. 60/086,185 filed May 21, 1998; No. 60/086,184 filed May 21, 1998; No. 60/086,183 filed May 21, 1998; No. 60/086,188 filed May 21, 1998; No. 60/089,524 filed June 16, 1998; No. 60/089,810 filed June 18, 1998; No. 60/089,814 filed June 18, 1998; No. 60/089,808 filed June 18, 1998; No. 60/089,812 filed June 18, 1998; No. 60/089,807 filed June 18, 1998; No. 60/089,806 filed June 18, 1998; No. 60/089,813 filed June 18, 1998; No. 60/089,811 filed June 18, 1998; No. 60/089,793 filed June 18, 1998; No. 60/091,405 filed June 30, 1998; No. 60/091,247 filed June 30, 1998; No. 60/099,667 filed September 9, 1998; No. 60/099,668 filed September 9, 1998; No. 60/099,670 filed September 9, 1998; No. 60/099,697 filed September 9, 1998; No. 60/100,674 filed September 16, 1998; No. 60/100,673 filed September 16, 1998; No. 60/100,672 filed September 16, 1998; No. 60/100,963 filed September 17, 1998; No. 60/101,131 filed September 21, 1998; No. 60/101,132 filed September 21, 1998; No. 60/101,130 filed September 21, 1998; No. 60/101,508 filed September 22, 1998; No. 60/101,344 filed September 22, 1998; No. 60/101,347 filed September 22, 1998; No. 60/101,343 filed September 22, 1998; No. 60/101,707 filed September 25, 1998; No. 60/104,126 filed October 13, 1998; No. 60/104,128 filed October 13, 1998; No. 60/104,127 filed October 13, 1998; No. 60/104,124 filed October 13, 1998; No. 60/109,018 filed November 18, 1998; No. 60/108,996 filed November 18, 1998; No. 09/199,129 filed November 24, 1998; No. 09/210,297 filed December 8, 1998; No. 60/111,981 filed December 11, 1998; and No.

09922293-080601

A<sup>1</sup> 60/113,224 filed December 22, 1998, all of which are herein incorporated by reference in their entirety.

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In the specification on page 2, line 21, please add the following paragraph:

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#### INCORPORATION OF SEQUENCE LISTING

A<sup>2</sup> Two copies of the sequence listing (Copy 1 and Copy 2) and a computer readable form (CRF) of the sequence listing, all on CD-ROMs, each containing the file named 16517-235 seq listing.txt, which is 1,929,701 bytes (measured in MS-DOS) and created on August 6, 2001, are herein incorporated by reference.

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09922293-000001  
A<sup>3</sup> ✓  
In the specification, please replace the paragraph, beginning at page 26, line 4, and ending at page 26, line 12, with the following paragraph:

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Similarity analysis includes database search and alignment. Examples of public databases include the DNA Database of Japan (DDBJ)([www.ddbj.nig.ac.jp/](http://www.ddbj.nig.ac.jp/)); Genbank ([www.ncbi.nlm.nih.gov/Web/Search/Index.html](http://www.ncbi.nlm.nih.gov/Web/Search/Index.html)); and the European Molecular Biology Laboratory Nucleic Acid Sequence Database (EMBL) ([www.ebi.ac.uk/ebi\\_docs/embl\\_db/embl-db.html](http://www.ebi.ac.uk/ebi_docs/embl_db/embl-db.html)). Other appropriate databases include dbEST ([www.ncbi.nlm.nih.gov/dbEST/index.html](http://www.ncbi.nlm.nih.gov/dbEST/index.html)), SwissProt ([www.ebi.ac.uk/ebi\\_docs/swisprot\\_db/swisshome.html](http://www.ebi.ac.uk/ebi_docs/swisprot_db/swisshome.html)), PIR ([www-nbrt.georgetown.edu/pir/](http://www-nbrt.georgetown.edu/pir/)) and The Institute for Genome Research ([www.tigr.org/tdb/tdb.html](http://www.tigr.org/tdb/tdb.html)).

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In the specification, please replace the paragraph, beginning at page 65, line 19, and ending at page 66, line 2, with the following paragraph:

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A<sup>4</sup> A PCR probe is a nucleic acid molecule capable of initiating a polymerase activity while in a double-stranded structure with another nucleic acid. Various methods for determining the structure of PCR probes and PCR techniques exist in the art. Computer generated searches using

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programs such as Primer3 ([www-genome.wi.mit.edu/cgi-bin/primer/primer3.cgi](http://www-genome.wi.mit.edu/cgi-bin/primer/primer3.cgi)), STSPipeline ([www-genome.wi.mit.edu/cgi-bin/www-STS\\_Pipeline](http://www-genome.wi.mit.edu/cgi-bin/www-STS_Pipeline)), or GeneUp (Pesole *et al.*, *BioTechniques* 25:112-123 (1998) the entirety of which is herein incorporated by reference), for example, can be used to identify potential PCR primers.

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